

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13215 of Hyman Kaplan and Herbert M. Holtz, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 for a proposed subdivision to construct one row dwelling and one semi-detached dwelling, and for a variance from the floor area ratio requirements (Sub-section 3302.1), the lot occupancy requirements (Sub-section 3303.1) and the side yard requirements (Sub-section 3305.1) in an R-5-A District at the premises 3208 and 3210 - 10th Place, S.E., (Square 5938, Lots 52, 850 and 844).

HEARING DATE: May 14, 1980
DECISION DATE: June 4, 1980

FINDINGS OF FACT:

1. The subject property is located on the east side of 19th Place, approximately two blocks south of Alabama Avenue, between Savannah and Congress Streets, S.E. It is in an R-5-A zone District at premises known as 3210 10th Place, S.E.
2. The site is presently vacant and unimproved.
3. The applicant proposes the construction of one row and one semi-detached dwelling.
4. The site is topographically level, rectangular in shape, and measures approximately 3,932 square feet in area.
5. A fifteen foot public alley adjoins lots 52 and 850 to the north and east. An application has been made for subdivision of these lots into one and one semi-detached dwelling is proposed for this portion of the site. The lots total approximately 2,294 square feet. Lot 850 is a small triangular lot adjoining the fifteen foot alley at the corner of 10th Place.

6. Lot 844 adjoins lot 52 to the south, and the applicant proposes to construct one row dwelling on this lot. This lot measures approximately 1,638 square feet.

7. Across the alley to the north of the entire site are two semi-detached dwellings which front on Savannah Street. To the south are both semi-detached and row dwellings. South of the site on the west side of 10th Street, are a number of garden apartments as well as single family dwellings.

8. With respect to the semi-detached dwelling at 3208 10th Place, S.E., the following variances are requested:

- a. Sub-section 3302.1 of the Zoning Regulations allows a maximum Floor Area Ratio of 0.9, or in this case a gross floor area of 2064.60 square feet. The applicant's proposed FAR measures 2136.36 square feet. Thus, a variance of 71.76 square feet or three percent is required.
- b. Pursuant to Sub-section 3305.1 an eight foot side yard is required. The applicant provides a side yard that varies from seven feet at the front to approximately ten feet at the rear. Thus, a variance of one foot or thirteen percent is required.

9. The applicant meets the requirements of the Zoning Regulations with respect to lot occupancy and rear yard. Lot area and width requirements for single family dwelling units are as stipulated by the Board.

10. With respect to the row dwelling proposed for 3210 - 10th Place, S.E., the following variances are requested:

- a. Sub-section 3303.1 permits a maximum lot occupancy of forty percent or 655.39 square feet for the lot. The applicant occupies 794.28 square feet of the site. Thus, a variance of 138.94 square feet or twenty-one percent is required.

- b. Pursuant to Sub-section 3302.1, a maximum floor ratio of 0.9 is permitted, or in this case a gross floor area of 1474.63 square feet. The proposed site has a gross floor area of 2136.36 square feet. Thus, a variance of 661.73 or forty-five percent is required.

11. The applicant meets the requirements of the Zoning Regulations with respect to rear yard and parking space. Lot area, and width are as stipulated by the Board.

12. The applicant proposes to construct two three story identical structures. These structures are considered three stories because the basement is almost completely above ground. The applicant testified that this was done in order to make the new buildings conform to the height of adjoining row dwellings.

13. Because the applicant proposes to construct the basement at grade level, this unfinished floor is included in the floor area ratio calculations for both dwelling units.

14. The Public School System of the District of Columbia, by report dated March 31, 1980, found that there will be no impact upon school facilities in the area caused by the proposed construction, and offered no objections to the granting of the application. The Board so finds.

15. The Department of Housing and Community Development by report dated May 6, 1980, offered no objections, but rather supported favorable action on the grounds that the subject lots are surrounded by public right-of-ways and improved properties, and therefore cannot be enlarged. The Department also finds that no likely adverse impacts are likely since only two structures are proposed, and they are of a type compatible with the neighborhood. The Board so finds.

16. The Office of Planning and Development by report dated May 6, 1980 and testimony given at the time of public hearing, offered basic support of the application, but expressed concern for the potential overcrowding of the site, and recommended that both units be limited to use as single family dwellings.

The Board finds that the units as proposed by the applicants are both to be used as single family dwellings.

17. There was no report from Advisory Neighborhood Commission 8C on this application.

18. The Department of Transportation by report dated May 20, 1980, reported that although the two units would have no measurable adverse impact on surrounding streets, the parking space provided for the row dwelling on lot 844 is unsatisfactory, as it does not allow for the maneuverability of a standard sized automobile without encroaching onto adjacent private property. The Board finds that while the space proposed may not be ideal, with the present trends geared towards smaller cars, the proposed space is likely to be accessible for most cars in the future. The Board notes that the proposed space complies with the size and access requirements of the Regulations.

19. There was no other opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant has complied with the requirements of Paragraph 3105.42 of the Zoning Regulations, and the special exception can be granted without adversely affecting the use of neighboring properties. The Board further concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty in developing the property in strict compliance with the Zoning Regulations. The Board concludes that because of the triangular shape of lot 850, as well as the ground floor's inclusion in lot coverage, such a practical difficulty does exist. The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and map. Accordingly, it is ORDERED that this application is hereby GRANTED, subject to the following CONDITIONS:

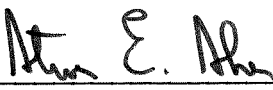
1. The property shall be used as single family residences only.

2. The applicant shall develop and landscape the site in accordance with plans submitted as Exhibit 23.

VOTE: 4-0 (John G. Parsons, William F. McIntosh, Connie Fortune, and Leonard L. McCants to grant; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 28 JUL 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT".

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.